

"Express Mail" mailing label number EV 325988305  
US

Date of Deposit: July 15, 2005



Brinks Hofer Gilson & Lione  
Patent Case No. 10022/55

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
Shawn S. Cornelius et al. )  
Serial No.: 09/943,964 ) Group Art Unit: 2151  
Filed: August 31, 2001 ) Examiner: Divecha, Kamal B.  
For: REMOTELY MONITORING A )  
DATA PROCESSING SYSTEM )  
VIA A COMMUNICATIONS )  
NETWORK )

**RESPONSE PURSUANT TO 37 C.F.R. § 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Response regards the Office Action mailed on April 15, 2005. This Response was not previously presented because it responds to a new reference cited in the Office Action. It is not believed that the present Response will require a new search or raises new issues. Accordingly, Applicants request that the present Response be entered.

**REMARKS**

**A. 35 U.S.C. § 102**

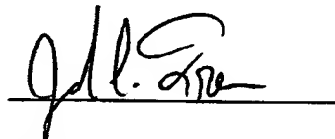
In the Office Action mailed on April 15, 2005, claims 1 and 8-12 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sato et al. Applicants traverse the rejection. In

code." The Office Action has conceded that Sato et al. and Sastry et al. each do not disclose the recited status code. The Office Action has relied on several figures and passages of Neimat et al. as solving the deficiencies of Sato et al. and Sastry et al. However, none of the figures or passages discloses a status code that is stored and is then fed if "the database provides a logical data path of continuity for the status code." Accordingly, Neimat et al. does not solve the deficiencies of Sato et al. and Sastry et al. and so the rejection is improper and should be withdrawn.

### **CONCLUSION**

In view of the arguments above, Applicants respectfully submit that all of the pending claims 1-23 are in condition for allowance and seek an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Freeman", is written over a horizontal line.

John C. Freeman  
Registration No. 34,483  
Attorney for Applicants

BRINKS HOFER  
GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
(312) 321-4200

Dated: July 15, 2005

07/18/05

AF  
ZAW
**U.S.P.S. EXPRESS MAIL "POST OFFICE TO ADDRESSEE" SERVICE  
DEPOSIT INFORMATION**
Express Mail Label No.: EV 325988305 USDate of Deposit: July 15, 2005
**BRINKS  
HOFFER  
GILSON  
& LIONE**
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
In re Appln. of: **Shawn S. Cornelius et al.**Appln. No.: **09/943,964**Filed: **August 31, 2001**For: **REMOTELY MONITORING A DATA  
PROCESSING SYSTEM VIA A  
COMMUNICATIONS NETWORK**Examiner: **Kamal B. Divecha**Art Unit: **2151**Attorney Docket No: **10022/55**
 Mail Stop AF  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

**Attached is/are:**

- ☒ Transmittal Sheet (in duplicate); Response to Office Action; Declaration of John C. Freeman (with exhibits); Declaration of Shawn S. Cornelius (with exhibits).
- ☒ Return Receipt Postcard

**Fee calculation:**

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x \$100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

**Fee payment:**

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted

  
 John C. Freeman (Reg. No. 34.483)

Date

July 15, 2005

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4 dep cl.